

## Message Text

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ACTION DLOS-06

INFO OCT-01 EA-07 IO-13 ISO-00 FEA-01 ACDA-07 AGR-05

AID-05 CEA-01 CEQ-01 CG-00 CIAE-00 CIEP-01 COME-00

DODE-00 DOTE-00 EB-07 EPA-01 ERDA-05 FMC-01 TRSE-00

H-02 INR-07 INT-05 JUSE-00 L-03 NSAE-00 NSC-05 NSF-01

OES-06 OMB-01 PA-01 PM-04 PRS-01 SP-02 SS-15 USIA-06

SAL-01 OIC-02 ( ISO ) W

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P R 270906Z AUG 76

FM AMEMBASSY TOKYO

TO SECSTATE WASHDC PRIORITY 1898

INFO USMISSION USUN NEW YORK PRIORITY

AMEMBASSY KUALA LUMPUR

AMEMBASSY SINGAPORE

C O N F I D E N T I A L TOKYO 12975

USUN FOR LOSDEL

E.O. 11652: GDS

TAGS: PLOS, JA

SUBJECT: LOS: STRAITS

REF: USUN 3469

1. REFTEL REPORTS THAT JAPANESE MAY PROPOSE THAT  
SUBMARINES NAVIGATE ON SURFACE IN STRAITS IF US AGREES TO  
MALAYSIAN PROPOSAL TO INSERT REFERENCE TO UNDER-KEEL  
CLEARANCE IN STRAITS ARTICLES.

2. WE BELIEVE AMBASSADOR FUJISAKI'S  
EXPLANATION OF DOMESTIC POLITICAL DILEMMA RELATED PARA 4  
OF REFTEL IS GOJ'S DOMINANT CONSIDERATION IN TAKING PRESENT  
STANCE. EMBOFF WHO LUNCHEDED WITH LOS OFFDIR KUME  
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ON AUGUST 25 FOUND HIM VERY PESSIMISTIC THAT PRESENT LOS

SESSION WILL ACHIEVE BREAKTHROUGH -- A PESSIMISM, HE SAID, GENERAL AMONG FONOFF LOS EXPERTS. ALTHOUGH KUME SAID MAIN OBSTACLE IS COMMITTEE I IMPASSE, HE ALSO WAS APPREHENSIVE THAT COMMITTEE II PACKAGE MAY COME UNSTUCK.

3. IN EXPECTATION OF ANOTHER SUBSTANTIVE SESSION EARLY IN 1977, AND OF A NEW GOVERNMENT BEING FORMED HERE IN THE INTERIM, KUME SAID, FONOFF IS SEARCHING FOR WAYS TO RESOLVE DILEMMA CREATED BY PM MIKI'S PROMISE TO DIET IN FEBRUARY THAT "NO MATTER WHAT," JAPAN WILL EXTEND TERRITORIAL SEA TO 12 NAUTICAL MILES BY END OF THIS YEAR. GOJ WAS THEN GAMBLING THAT LOS TREATY WOULD BE IN HAND BY YEAR-END, AND THAT TREATY COULD BE USED TO OVERRULE OBJECTIONS OF NUCLEAR ALLERGISTS TO TRANSIT OF NUCLEAR-ARMED VESSELS OR AIRPLANES THROUGH ENCLOSED INTERNATIONAL STRAITS.

4. ANY NEW LDP REGIME, KUME SAID, WILL BE BOUND BY MIKI'S STATEMENT, ALTHOUGH IT MAY HAVE SLIGHTLY MORE LEEWAY IN DEALING WITH THE PROBLEM THAN THE MIKI CABINET WOULD. HE CONTINUED THAT THE ONLY WAY OF ESCAPE FROM THE DILEMMA THAT SEEMS AT ALL PROMISING WILL BE FOR THE GOJ TO ASSERT, LATE THIS YEAR, THAT: (A) A LOS TREATY IS CERTAIN SOONER OR LATER; (B) WHILE OTHER PARTS OF THE DRAFT TREATY MAY BE FURTHER REVISED, THERE IS A FIRM CONSENSUS ON THE STRAITS ARTICLES; AND THAT (C) THEREFORE THE GOJ (AS THE US DID IN ESTABLISHING THE EXCLUSIVE FISHING ZONE) MAY "ANTICIPATE" THE LOS TREATY IN UNILATERALLY EXTENDING ITS TERRITORIAL WATERS. IN MANNER CONFORMING TO LOS TREATY DRAFT.

5. THE INFORMATION FROM KUME FITS NEATLY WITH FUJISAKI'S ARGUMENT. IF THE GOJ ATTEMPTS TO FINESSE THE STRAITS/NON-NUCLEAR PRINCIPLES DILEMMA IN THE FASHION SUGGESTED BY KUME, EXHIBIT A WOULD NECESSARILY BE DEMONSTRATION THAT THE STRAITS ARTICLES HAVE SURVIVED ESSENTIALLY UNCHANGED THROUGH

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SEVERAL REVISIONS OF THE TREATY DRAFT. THOUGH KUME DID NOT DISCUSS GOJ'S OTHER FRONT-BURNER LOS PROBLEM, RECOGNITION OF US EXTENSION OF FISHERIES JURISDICTION IN ABSENCE OF LOS TREATY, THE SAME CONSIDERATIONS OBVIOUSLY APPLY, I.E., THE GOJ MUST ARGUE THE INEVITABILITY OF AN LOS TREATY WHICH AUTHORIZES 200-MILE ECONOMIC ZONE.

6. KUME DID NOT MENTION, AND EMBOFF DID NOT ASK  
ABOUT, MALACCA STRAITS TANGLE. THE FONOFF HAS NOT  
RAISED IT WITH US SINCE JUST AFTER THE AALCC MEETING.  
SHOESMITH

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## Message Attributes

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